

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	:	Case No. 08-13555 (SCC)
	:	
Debtors.	:	(Jointly Administered)
	:	
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LEHMAN BROTHERS HOLDINGS INC.,	:	
	:	
Plaintiff,	:	
	:	Adv. Proc. No. 13- 01431 (SCC)
v.	:	
	:	
DR HC TSCHIRA BETEILIGUNGS GMBH & CO KG, and KLAUS TSCHIRA STIFTUNG GGMBH,	:	
	:	
Defendants.	:	
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STIPULATION OF DISMISSAL WITH PREJUDICE

This Stipulation of Dismissal With Prejudice (the “Stipulation”) is entered into as of this 20th day of March, 2014 by and between the undersigned counsel, acting for and on behalf of their respective clients: (a) Plaintiff Lehman Brothers Holdings, Inc. (“LBHI”), and (b) Defendants Dr. H.C. Tschira Beteiligungs GmbH & Co KG (“KG”) and Klaus Tschira Stiftung GGmbH (together with KG, the “Tschira Entities,” and the Tschira Entities together with LBHI, the “Parties”).

WHEREAS, on August 23, 2013, LBHI commenced the above-captioned adversary proceeding (the “Adversary Proceeding”);

WHEREAS, on February 3, 2014, the Tschira Entities filed an Answer and Affirmative Defenses in the Adversary Proceeding;

WHEREAS, the Parties have entered into a settlement agreement dated February 26, 2014 (the “Settlement Agreement”);

WHEREAS, the Settlement Agreement has been approved by the Court by an order dated March 5, 2014 pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the “Settlement Order”);

WHEREAS, paragraph 11 of the Settlement Agreement provides that within 5 days of the Effective Date, LBHI shall withdraw the Adversary Proceeding with prejudice;

WHEREAS, the Settlement Order has become a Final Order, and the Effective Date has occurred with respect to the Settlement Agreement;¹

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), as made applicable to the Adversary Proceeding pursuant to Bankruptcy Rule 7041, the Adversary Proceeding shall be and hereby is dismissed with prejudice. Each party shall bear its own costs and expenses in connection therewith.

JONES DAY

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¹ “Final Order” and “Effective Date” shall have the meanings ascribed to them in the Settlement Agreement.